THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.14074 of 2007

Between:

Dr.M.Santhosh Kumar and another.

.. PETITIONERS

and

The Commissioner of Police, Cyberabad and others.

.. RESPONDENTS

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ORDER:

The petitioners seek to issue a Writ of Mandamus declaring the action

of the respondents in calling upon the petitioners to the police station without there being any crime registered against them and interfering with the civil rights of the petitioners as illegal and arbitrary and consequently direct the respondents not to harass the petitioners by calling them to the police station without following due process of law.

It is the case of the petitioners that they purchased plot No.390 part in Sy.Nos.96, 97 and 98 situated at Marriguda, H/o.Mallapur, Uppal Mandal, from Mrs.Shaheen Begum through a registered Sale Deed, dated 16-10-2006, vide document No.15212/206. While so, the 3rd respondent informed the petitioners that the original owner of the property in question not sold the said property to one of the vendors of the petitioners and in that connection, the original owner lodged a complaint. In fact, no such crime has been registered as alleged by the 3rd respondent. But, the 3rd respondent, without there being any crime registered against the petitioners, unnecessarily harassing the petitioners to settle the matter with the original owner by keeping them 4 to 5 hours every day in the police station and also threatening with dire consequences.

If the said allegations are found to be true and correct, it constitutes serious offence against the said police officer. But, however, I am of the opinion that without making any complaint before the Commissioner of Police, Cyberabad-1st respondent about the alleged illegal action of the 3rd respondent, I am of the opinion that it is not just and proper to issue a Writ of Mandamus as claimed by the petitioners.

Accordingly, the writ petition is dismissed with a liberty to make a representation before the 1st respondent about the alleged illegal action of

the 3rd respondent. There shall be no order as to costs.

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14-08-2007

Prv